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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Docket No: Q53957

Shinji KONISHI

Appln. No.: 09/289,601

Group Art Unit: 2624

Confirmation No.: 8834

Examiner: Douglas Q. Tran

Filed: April 12, 1999

For: PRINT SYSTEM AND PRINTER

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

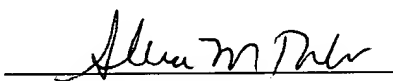
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. A check for the statutory fee of \$500.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

  
Allison M. Tulino  
Registration No. 48,294

WASHINGTON OFFICE

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CUSTOMER NUMBER

Date: January 24, 2005



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**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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**I. REAL PARTY IN INTEREST**

The real party in interest is SEIKO EPSON CORPORATION by virtue of an assignment executed by Shinji Konishi (hereinafter "Appellant") on June 2, 1999 and recorded in the U.S. Patent and Trademark Office on July 12, 1999 at reel 010090 and frame 0691.

**II. RELATED APPEALS AND INTERFERENCES**

Upon information and belief, there are no other prior or pending appeals, interferences, or judicial proceedings known to Appellant's Representative or the Assignee that may be related to, be directly affected by, or have a bearing on the Board's decision in the Appeal.

**III. STATUS OF CLAIMS**

Claims 1-31 are pending and are the basis of this Appeal (*see* Claims Appendix).

Claims 1-31 stand rejected.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
U.S. Application No.: 09/289,601

Attorney Docket No.: Q53957

#### **IV. STATUS OF AMENDMENTS**

No amendments have been submitted after the final rejection of the claims in the August 27, 2004 Office Action.

**V. SUMMARY OF NON-LIMITING EMBODIMENTS OF THE CLAIMED  
SUBJECT MATTER**

The present invention is a printing system having a host computer and a printer for receiving print data from the host computer, and also a recording medium for recording a program for generating print data to be transmitted to a printer. The features of independent claims 1, 11, 20, 23 and 24 are described herein in reference to non-limiting embodiments in Appellant's specification.

**Claim 1-** Claim 1 recites a printer system including a host computer and a printer for receiving print data from the host computer. The system includes a print data generating means 6, contained in the host computer 1, for generating print data PD (Fig. 1; pg. 12, lines 16-21). A reply information issuance means 7 is provided for generating print job data, where the print job data comprises the print data PD and reply information RD (Figs. 1 and 2a; pg. 12, lines 21-23; pg. 14, line 5). The reply information issuance means 7 generates the print job data by locating the reply information RD at a predetermined position with respect to the print data PD (Fig. 2a; pg. 12, lines 21-23). Further, the print job data is transmitted to the printer 11 (Fig. 1; pg. 14, lines 3-5).

Claim 1 further includes a print job data processing means 14, 17, contained in the printer 11, for interpreting the print job data, detecting the reply information RD from the print job data, and returning a part, i.e., RD2-RD4, of the print job data to a predetermined destination which is external to the printer 11 (Figs 1 and 2a; pg. 13, lines 23-25; pg. 13, lines 20-21; pg. 14, lines 8-21). The part of the print job data returned indicates a process state, i.e. RD4, of the print job

data based on the reply information RD (Fig. 2a; pg. 14, lines 15-16). The predetermined destination is included in intrinsic data, i.e., RD2, of the reply information RD (Fig. 2a; pg. 14, lines 9-10; pg. 14, lines 12-15).

A print control means 16 is provided for printing based on interpretation of the print job data processing means 14, 17 (pg. 13, line 20 to pg. 14, line 2). Finally, a job processing state monitor means 5 monitors a processing state of the print data based on the reply information RD returned from the print job data processing means 14, 17 (pg. 13, lines 8-12; pg. 16, lines 18-22).

**Claim 11-** Claim 11 recites a printer for printing based on input data. The printer 11 includes a reception means 12 for receiving print job data containing reply information RD and print data PD (Fig. 1; pg. 13, lines 13-19). A print job data processing means 14, 17 is provided for interpreting the print job data, detecting the reply information RD from the print job data PD, and returning a part of the print job data, i.e. RD2-RD4, which indicates a process state, i.e., RD4, of the print job data based on the reply information RD, to a predetermined destination which is external to the printer (Figs 1 and 2a; pg. 13, lines 23-25; pg. 13, lines 20-21; pg. 14, lines 8-21). The predetermined destination is included in intrinsic data, i.e., RD2 of the reply information (Fig. 2a; pg. 14, lines 9-10; pg. 14, lines 12-15). Finally, claim 11 recites a print control means 16 for printing based on interpretation of the print job data processing means 14, 17 (pg. 13, line 20 to pg. 14, line 2).



**Claim 20-** Claim 20 recites a recording medium recording a program for generating print data to be transmitted to a printer. The program includes a print data generation function of generating print data based on an input document (Fig. 1; pg. 12, lines 16-21). A reply information issuance function is included for issuing reply information RD at a predetermined position of print job data containing the print data PD (Figs. 1 and 2a; pg. 12, lines 21-23; pg. 14, line 5). A job processing state monitor function is provided for monitoring a process state of the print job data based on a part of the print data PD returned from the printer in accordance with the reply information RD (pg. 13, lines 8-12; pg. 16, lines 18-22). The reply information includes intrinsically a predetermined destination, i.e., RD2, and a reply instruction, i.e., RD1, for replying the process state, i.e., RD4, to the predetermined destination (Fig. 2a; pg. 14, lines 9-10; pg. 14, lines 12-15).

**Claim 23-** Claim 23 recites a printer system including a host computer and a printer. The printer system is provided with a first controller contained in the host computer 1, the first controller 3, 6, 7 generates print job data comprising print data PD and reply information RD located in the print job data at a predetermined position with respect to the print data PD (Figs. 1 and 2a; pg. 12, lines 21-23; pg. 14, line 5). The first controller 3, 6, 7 also transmits the print job data to the printer (Fig. 1; pg. 14, lines 3-5).

A second controller 14, 16, 17, contained in the printer, is provided (Fig. 1). The second controller 14, 16, 17 receives the print job data from the host computer 1, detects the reply information RD from the print job data, returns a part of the print data, i.e., RD2-RD4, which

indicates a process state of the print job data based on the reply information RD to a predetermined destination (Figs 1 and 2a; pg. 13, lines 23-25; pg. 13, lines 20-21; pg. 14, lines 8-21). The predetermined destination is included in the intrinsic data, i.e., RD2, of the reply information RD (Fig. 2a; pg. 14, lines 9-10; pg. 14, lines 12-15). The second controller 14, 16, 17 also controls printing based on the print data PD contained in the print job data (pg. 13, line 20 to pg. 14, line 2).

Finally, a monitoring processor 5, which is external to the printer, is provided that receives the reply information returned from the printer, i.e., RD2-RD4, and monitors a processing state of the print data PD based on the reply information RD returned from the printer (pg. 13, lines 8-12; pg. 16, lines 18-22).

**Claim 24-** Claim 24 recites a recording medium containing a program to instruct a processor within a printer to perform a routine. The program receives print job data containing reply information RD and print data PD (Figs. 1 and 2a; pg. 13, lines 13-19). The program then interprets the print data PD, detects the reply information RD from the print job data, and returns a part of the print job data, i.e., RD2-RD4, which indicates a process state, i.e., RD4, of the print data based on the reply information RD to a predetermined destination external to the printer (Figs 1 and 2a; pg. 13, lines 23-25; pg. 13, lines 20-21; pg. 14, lines 8-21). The predetermined destination is included in intrinsic data, i.e., RD2, of the reply information RD (Fig. 2a; pg. 14, lines 9-10; pg. 14, lines 12-15). Further, printing is based on interpretation of the print data PD (pg. 13, line 20 to pg. 14, line 2).

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

**A.** Claims 1-31 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

**B.** Claims 20-22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,706,411 to McCormick et al. ("McCormick") in view of U.S. Patent No. 6,433,884 to Kawakami ("Kawakami").

**C.** Claims 1-19 and 23-31 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,055,361 to Fujita et al. ("Fujita") in view of Kawakami.

## **VII. ARGUMENT**

### **A. Rejection of claims 1-31 under 35 U.S.C. § 112, first paragraph.**

Claims 1-31 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Examiner maintains that the specification and figures do not support the limitation that, “a part of the print job data” is returned from the printer, i.e., “returning a part of the print job data”.

Appellant submits, however, that the cited limitation is fully supported by the specification, and as such, complies with the written description requirement. For example, as disclosed in the non-limiting embodiment on pg. 4 of the present Application, reply information is previously embedded into a predetermined position of the print job data (also see pg. 12, lines 21-23). Appellant submits that once embedded, the reply information becomes “a part of the print job data”, along with the print data (pg. 14, lines 6-7). For example, the Application discloses that, “the data amount of the print job data is increased as much as the data amount of the embedded reply information.” (non-limiting embodiment on pg. 4 of Application) (emphasis added).

Further, the Application discloses that the print job data processing means returns the reply information to the predetermined position, so as to monitor the processing state of the print job data (non-limiting embodiment, pg. 3, line 21 to pg. 4, line 1; pg. 13, lines 23-25). Therefore, the claimed “part” of the print job data which is returned, is the part of the print job

data containing the reply information, such that a process state of the print job data can be indicated based on the reply information, as recited in the claims.

On pgs. 12 and 13 of the August 27, 2004 Final Office Action, the Examiner refers to Fig. 2a of the present Application, and maintains that it is just the “status” that is returned to the host and not the original information of the reply information that is returned to the host (i.e., a part of the data). However, as disclosed in the non-limiting embodiment on pg. 14, lines 9-21 of the present Application, when the reply information processing section 17 of the printer 11 detects a reply instruction, i.e. area RD1, the reply information processing section 17 “returns the areas RD2 to RD4 to the return destination indicated on the communication route information in accordance with the reply instruction.” As shown in Fig. 2a, the areas RD2 to RD4 are a part of the print job data, and are “returned” to the host. Thus, the host 1 can keep track of the process state of the print job by the returned job processing information (non-limiting embodiment on pg. 14, lines 19-21 of present Application). Therefore, contrary to the Examiner’s assertion on pg. 13 of the Office Action, the Application does support that a part of the original information, i.e., RD2-RD4, is returned to the host. Accordingly, rather than issuing a separate, independent response, the printer actually returns a part of the print job data, i.e., areas RD2 to RD4, which allow the host to keep track of the job processing state.

In view of the above, Appellant submits that the specification fully supports the recitations of claims 1-31 under 35 U.S.C. § 112, first paragraph, and as such, was described in the specification in such a way to reasonably convey to one skilled in the art that at the time of invention, the inventor had possession of the claimed invention.

**B. Rejection under 35 U.S.C. § 103(a) over U.S. Patent No. 5,706,411 to McCormick et al. (“McCormick”) in view of U.S. Patent No. 6,433,884 to Kawakami (“Kawakami”).**

As an initial matter, the header for the following rejections, as set forth in the August 27, 2004 Office Action, recites the “Fujita” reference instead of the “McCormick” reference. However, since claims 20-22 are intended to be rejected in view of McCormick and Kawakami, rather than Fujita and Kawakami, Appellant recited the McCormick reference in the header above.

It is respectfully submitted that claims 20-22 are patentable over the alleged combination of McCormick and Kawakami for at least the following reasons.

**1. Claim 20**

Appellant submits that claim 20 is patentable over the cited reference. For example, claim 20 recites that reply information is issued at a predetermined position of a print job data containing print data. In a job processing state monitor function, a process state of the print job data is monitored based on a part of the print job data which is returned from the printer in accordance with the reply information. Support for such recitations is previously discussed under Appellant’s comments for the rejections under 35 U.S.C. § 112, first paragraph.

The Examiner maintains that McCormick discloses the above feature. In particular, the Examiner maintains that the queue processor 600 of McCormick issues the claimed reply information. However, the queue processor 600 sends a status request to a printer via a communication driver 1604 and receives status information from the printer via the

communication driver 1604 (col. 8, lines 23-58). The status information is separate and independent from the status request. Therefore, McCormick fails to teach or suggest that the same information which is generated (i.e. print job data) is also returned (i.e. part of print job data), as required by claim 20. Further, since the status information is separate and independent from the status request, the disclosed status information fails to teach or disclose the reply information, which was previously issued at a predetermined position of the print job data, as required by claim 20.

In the August 27, 2004 Office Action, the Examiner maintains that the communication driver of McCormick receives print job data including blocks of print data and status requests from the queue processor 600, such that the status requests would be in a predetermined position of the print job data (pg. 3 of Office Action). However, even by assuming *arguendo* that status requests are placed with blocks of print data, the reference still fails to disclose that these status requests are actually returned (i.e., a part of the print job data is returned). Rather, as set forth above, the returned status information is separate and independent from the status request.

Claim 20 further recites that the reply information intrinsically includes a predetermined destination for replying the process state.

The Examiner acknowledges that McCormick fails to teach or disclose such a feature, but in the March 10, 2004 Office Action, contended that the 5<sup>th</sup> byte of Kawakami does (col. 4, lines 47-50). However, similar to Appellant's previous statements regarding Kawakami, Appellant submits that the reference fails to teach or disclose such a feature. For example, Kawakami never defines the 5<sup>th</sup> byte packet type. Rather, the reference just states that the 5<sup>th</sup> byte packet

type indicates one of four packet types (col. 4, lines 52-55). As shown in Fig. 4, the packet types include a command packet, a report command, a reply packet to return command, and a reply packet to return status. There is no disclosure as to what is intended by the reply packets or what specific data is returned to a predetermined destination. For example, since there is no disclosure of the reply packets, one cannot determine if any of the print job data is returned to the predetermined destination, as required by claim 20. Absent such a teaching, Appellant submits that Kawakami fails to cure the deficient teachings of McCormick.

In the August 27, 2004 Office Action, the Examiner maintains that instead of the 5<sup>th</sup> byte, it is the 4<sup>th</sup> row of Fig. 4 of Kawakami that indicates reply information including information of the return command, while the 3<sup>rd</sup> row indicates the predetermined destination (pg. 6 of August 27, 2004 Office Action; col. 4, lines 47-50 of Kawakami). However, similar to Appellant's comments above, the 3<sup>rd</sup> row merely says, "Unit ID (Controller No. or Host No.)", without any disclosure as to what is intended. In particular, assuming *arguendo* that the 3<sup>rd</sup> row is a type of destination, there is no disclosure to support that the information of the 3<sup>rd</sup> row is included in a reply packet of the 4<sup>th</sup> row, or if the reply packets are originally sent to the printer and then returned.

In light of the above, Appellant submits that the combination of McCormick and Kawakami fails to teach or suggest the features of claim 20. Accordingly, Appellant submits that claim 20 is patentable.



**2. Claims 21 and 22**

Since claims 21 and 22 are dependent upon claim 20, Appellant submits that such claims are patentable at least by virtue of their dependency.

**C. Rejection under 35 U.S.C. § 103(a) over U.S. Patent No. 6,055,361 to Fujita et al. (“Fujita”) and Kawakami.**

It is respectfully submitted that claims 1-19 and 23-31 are patentable over the alleged combination of Fujita and Kawakami for at least the following reasons.

Also, for simplification purposes, Appellant’s comments are arranged in the sequential order of the claims (i.e. 1, 2, 3, etc.), rather than the order presented by the Examiner in the Office Action.

**1. Claim 1**

Appellant submits that claim 1 is patentable over the cited references. For example, claim 1 recites a reply information issuance means for generating print job data, which contains both print data and reply information. The reply information issuance means generates the print job data by locating the reply information at a predetermined position with respect to the print data. The print job data is then transmitted to a printer. Support for such recitations is previously discussed under Appellant’s comments for the rejections under 35 U.S.C. § 112, first paragraph.

The Examiner maintains that Fujita discloses the claimed print job data. In particular, the Examiner maintains that the “commands” and “data” disclosed in col. 5, lines 7-9 and lines 61-63, suggest the print job data. However, such portions just state that commands and data are sent to a printer 20 and sequentially queued into an input buffer 22 in accordance with a receiving order of each (col. 5, lines 7-9). Therefore, the “commands” and the “data” are two discrete separate forms of data. They do not disclose one combined print job data to be sent to a printer, as required by claim 1. For example, even by assuming *arguendo* that the “commands” disclose the claimed reply information, the commands are not located at a “predetermined position” of the data before the data is transmitted to the printer 20 (i.e. the input buffer 22) (Fig. 1 or 2). In addition, since the commands are just queued with the data in the order that they are received, it appears that there is no predetermined position of the commands even after they are sent to the printer 20. Accordingly, Appellant submits that the two separate forms of information taught by Fujita fail to teach or disclose the claimed composite print job data.

In reply to the above comments, the Examiner maintains that the commands and print data would be included together within the print job (pg. 14 of August 27, 2004 Office Action). However, even by assuming that the Examiner’s interpretation of the cited portion of Fujita discloses that the commands and data are provided together, and not sequentially queued separately, the reference still fails to teach or suggest every feature recited in claim 1, as set forth below.

For example, claim 1 also recites a print job data processing means disposed in the printer. The print job data processing means returns a part of the print job data, which indicates a

process state of the print job data based on the reply information, to a predetermined destination which is external to the printer.

The Examiner maintains that Fujita discloses the above features. In particular, the Examiner maintains that steps 1903 to 1905 disclose that a part of the print job data, which indicates a process state of the print job based on the reply information, is returned to a predetermined position which is external to the printer (Fig. 19; col. 12, lines 11-30). However, as disclosed in the reference, when an urgent command requests the page number under printing, the microcomputer 230 inquires the page number from page monitor 50 (col. 12, lines 11-18). The page monitor 50 reads out a page number from a memory 52 and a paper feeding status bit from memory 53, and transfers the result to the I/F controller (col. 12, lines 18-24). The I/F controller then returns the status from memory's 52 and 53 to the host computer (col. 12, lines 24-25). Therefore, it is data from memory's 52 and 53 which is returned to the host computer, not a part of the original print job data, as required by claim 1. Appellant submits that page information obtained from page monitor 50 is not equivalent to a part of the original urgent command.

Accordingly, even by assuming *arguendo* that the commands and data discussed above disclose the claimed composite print job data and the host computer of Kawakami discloses the predetermined destination, the reference still fails to teach or disclose all the features of claim 1 (i.e. since it is different data from the print job data which is returned to the predetermined destination).

Claim 1 further recites that the predetermined destination is included in intrinsic data of the reply information.

The Examiner acknowledges that Fujita fails to teach or suggest such a feature, but in the March 10, 2004 Office Action, contended that the 5<sup>th</sup> byte disclosed in Kawakami teaches a predetermined destination of reply information (col. 4, lines 46-50). However, the reference never defines the 5<sup>th</sup> byte packet type. Rather, the reference just states that the 5<sup>th</sup> byte packet type indicates one of four packet types (col. 4, lines 52-55). As shown in Fig. 4, the packet types include a command packet, a report command, a reply packet to return command, and a reply packet to return status. There is no disclosure as to what is intended by the reply packets or what specific data is returned to a predetermined destination. In particular, since there is no disclosure of the reply packets, one cannot determine if “a part of” the print job data (i.e. print job file) is returned to the pre-determined destination, as required by claim 1. Absent such a teaching, Appellant submits that Kawakami fails to cure the deficient teachings of Fujita.

In the August 27, 2004 Office Action, the Examiner maintains that instead of the 5<sup>th</sup> byte, it is the 4<sup>th</sup> row of Fig. 4 of Kawakami that indicates reply information including information of the return command, while the 3<sup>rd</sup> row indicates the predetermined destination (pg. 6 of August 27, 2004 Office Action; col. 4, lines 47-50 of Kawakami). However, similar to Appellant’s comments above, the 3<sup>rd</sup> row merely says, “Unit ID (Controller No. or Host No.)”, without any disclosure as to what is intended. In particular, assuming *arguendo* that the 3<sup>rd</sup> row is a type of destination, there is no disclosure to support that the information of the 3<sup>rd</sup> row is included in a

reply packet of the 4<sup>th</sup> row or if the reply packets are originally sent to the printer and then returned.

In light of the above, Appellant submits that the combination of Fujita and Kawakami fails to teach or suggest the features of claim 1. Accordingly, Appellant submits that claim 1 is patentable.

**2. Claims 2-6 and 9-10**

Since claims 2-6 and 9-10 are dependent upon claim 1, Appellant submits that such claims are patentable at least by virtue of their dependency.

**3. Claim 7**

Since claim 7 is dependent upon claim 1, Appellant submits that such claim is patentable at least by virtue of its dependency.

In addition, claim 7 recites that the reply information issuance means issues the reply information and the timing specification information so that the print data is placed between the reply information and the timing specification information.

The Examiner maintains that Fujita discloses the above feature in col. 5, line 64- col. 6, line 5. However, the cited portion of Fujita merely discloses that commands are queued into an input buffer 22 in accordance with their receiving order. There is no disclosure of a particular *order* of the commands. Accordingly, even if Appellant assumes *arguendo* that the commands disclose reply information and timing specification information, there is no teaching or

suggestion that any print data is placed between the alleged reply and timing specification information.

Accordingly, since Kawakami fails to cure the deficient teachings of Fujita, Appellant submits that claim 7 is patentable over the cited references.

#### **4. Claim 8**

Since claim 8 is dependent upon claim 1, Appellant submits that such claim is patentable at least by virtue of its dependency.

In addition, claim 8 recites that timing specification information and reply information are issued so that the timing specification information, the print data and the reply information are processed by a print job data processor in that order.

The Examiner maintains that Fujita discloses the above feature in col. 5, line 64- col. 6, line 5. However, the cited portion of Fujita merely discloses that commands are queued into an input buffer 22 in accordance with their receiving order. There is no disclosure of a particular processing order in Fujita, i.e. that the timing specification information is processed first, the print data is processed second and the reply information is processed third. Accordingly, even if Appellant assumes *arguendo* that the “commands” of Fujita disclose a type of timing specification and reply information, the reference still fails to teach or suggest the features of claim 8.

Accordingly, since Kawakami fails to cure the deficient teachings of Fujita, Appellant submits that claim 8 is patentable over the cited references.

**5. Claim 11**

Since claim 11 contains features which are analogous to the features recited in claim 1, Appellant submits that such claim is patentable over the cited references for at least analogous reasons as presented above.

**6. Claims 12-16 and 19**

Since claims 12-16 and 19 are dependent upon claim 11, Appellant submits that such claims are patentable at least by virtue of their dependency.

**7. Claim 17**

Since claim 17 is dependent upon claim 11, Appellant submits that such claim is patentable at least by virtue of its dependency.

In addition, claim 17 contains features that are analogous to the features recited in claim 7. Accordingly, Appellant submits that claim 17 is patentable over the cited references for at least analogous reasons as set forth above.

**8. Claim 18**

Since claim 18 is dependent upon claim 11, Appellant submits that such claim is patentable at least by virtue of its dependency.

In addition, claim 18 contains features that are analogous to the features recited in claim 8. Accordingly, Appellant submits that claim 18 is patentable over the cited references for at least analogous reasons as set forth above.

**9. Claim 23**

Since claim 23 contains features which are analogous to the features recited in claim 1, Appellant submits that claim 23 is patentable for at least similar reasons as presented above.

**10. Claim 24**

Since claim 24 contains features which are analogous to the features recited in claim 1, Appellant submits that claim 24 is patentable for at least similar reasons as presented above.

**11. Claims 25-27 and 30**

Since claims 25-27 and 30 are dependent upon claim 1, Appellant submits that such claims are patentable at least by virtue of their dependency.

**12. Claims 28, 29 and 31**

Since claims 28, 29 and 31 are dependent upon claim 11, Appellant submits that such claims are patentable at least by virtue of their dependency.



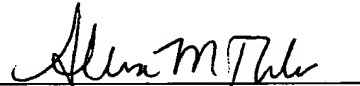
APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
U.S. Application No.: 09/289,601

Attorney Docket No.: Q53957

Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Allison M. Tulino  
Registration No. 48,294

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: **January 24, 2005**

**CLAIMS APPENDIX**

CLAIMS 1-31 ON APPEAL:

1. (rejected) A printer system including a host computer and a printer for receiving print data from the host computer, the printer system comprising:

print data generating means, contained in the host computer, for generating print data;

reply information issuance means for generating print job data, wherein the print job data comprises the print data and reply information, and wherein the reply information issuance means generates the print job data by locating the reply information at a predetermined position with respect to the print data, and wherein the print job data is transmitted to the printer;

print job data processing means, contained in the printer, for interpreting the print job data, detecting the reply information from the print job data, and returning a part of the print job data, which indicates a process state of the print job data based on the reply information to a predetermined destination which is external to the printer,

wherein said predetermined destination is included in intrinsic data of said reply information;

print control means for printing based on interpretation of said print job data processing means; and

job processing state monitor means for monitoring a processing state of the print data based on the reply information returned from said print job data processing means.

2. (rejected) The print system as claimed in claim 1 wherein said print job data processing means returns the reply information to the predetermined destination after completion of processing of the print data.

3. (rejected) The print system as claimed in claim 1 wherein if the reply information is related to print data concerning a print operation, said print job data processing means checks execution of the print data concerning the print operation before returning the reply information to the predetermined destination.

4. (rejected) The print system as claimed in claim 1 wherein said reply information issuance means issues timing specification information for specifying return timing of the reply information in addition to the reply information, and wherein

said print job data processing means returns the reply information to the predetermined destination at the return timing specified in the timing specification information.

5. (rejected) The print system as claimed in claim 1 wherein said reply information issuance means issues timing specification information for specifying return timing of the reply information in addition to the reply information, and wherein

upon reception of the timing specification information, said print job data processing means returns the reply information to the predetermined destination after completion of processing the print data related to the reply information.

6. (rejected) The print system as claimed in claim 1 wherein said reply information issuance means issues timing specification information for specifying return timing of the reply information in addition to the reply information, and wherein

upon reception of the timing specification information, said print job data processing means returns the reply information to the predetermined destination after checking processing of the print data concerning a print operation related to the reply information.

7. (rejected) The print system as claimed in any of claims 4 to 6 wherein said reply information issuance means issues the reply information and the timing specification information so that the print data is placed between the reply information and the timing specification information.

8. (rejected) The print system as claimed in claim 7 wherein said reply information issuance means issues the timing specification information and the reply information so that the timing specification information, the print data and the reply information are processed by said print job data processing means in this order.

9. (rejected) The print system as claimed in claim 6 wherein the print data concerning print operation is at least any one of a paper feed instruction, a paper eject instruction, a page feed instruction, a line feed instruction, and a carriage return instruction.

10. (rejected) The print system as claimed in any of claims 6 or 8-9 further including reply information detection means for detecting the reply information returned from said print data processing means and sending the detected reply information to said job processing state monitor means.

11. (rejected) A printer for printing based on input data comprising:  
reception means for receiving print job data containing reply information and print data;  
print job data processing means for interpreting the print job data, detecting the reply information from the print job data, and returning a part of the print job data, which indicates a process state of the print job data based on the reply information to a predetermined destination which is external to the printer;

wherein said predetermined destination is included in intrinsic data of said reply information; and

print control means for printing based on interpretation of said print job data processing means.

12. (rejected) The Printer as claimed in claim 11 wherein said print job data processing means returns the reply information to the predetermined destination after said printer control means completes processing of the print data.

13. (rejected) The printer as claimed in claim 11 wherein if the reply information is related to print data concerning a print operation, said print job data processing means checks that the print data concerning the print operation is executed by said print control means before returning the reply information to the predetermined destination.

14. (rejected) The printer as claimed in claim 13 wherein the print data concerning the print operation is related to at least any one of a paper feed instruction, a paper eject instruction, a page feed instruction, a line feed instruction, and a carriage return instruction.

15. (rejected) The printer as claimed in claim 11 wherein the print job data further contains timing specification information for specifying return timing of the reply information, and wherein

said print job data processing means returns the reply information to the predetermined destination at the return timing specified in the timing specification information.

16. (rejected) The printer as claimed in claim 11 wherein the print job data further contains timing specification information for specifying return timing of the reply information, and wherein

upon reception of the timing specification information, said print job data processing means returns the reply information to the predetermined destination after said print control means completes processing of the print data related to the reply information.

17. (rejected) The printer as claimed in claim 15 or 16 wherein the print job data is formatted so that the print data is placed between the reply information and the timing specification information.

18. (rejected) The printer as claimed in claim 17 wherein the print job data is formatted so that the timing specification information, the print data, and the reply information are processed by said print job data processing means in this order.

19. (rejected) The printer as claimed in any of claims 11-16 or 18 wherein said reception means, said print job data processing means, and said print control means can operate in parallel.

20. (rejected) A recording medium recording a program for generating print data to be transmitted to a printer, said recording medium recording:

a print data generation function of generating print data based on an input document;  
a reply information issuance function of issuing reply information at a predetermined position of print job data containing the print data; and

a job processing state monitor function of monitoring a process state of the print job data based on a part of the print data returned from the printer in accordance with the reply information,

wherein the reply information includes intrinsically a predetermined destination and a reply instruction for replying said process state to said predetermined destination.

21. (rejected) The recording medium as claimed in claim 20 wherein said reply information issuance function issues timing specification information for specifying return timing of the reply information in addition to the reply information.

22. (rejected) The recording medium as claimed in claim 20 or 21 further including a reply information detection function of detecting the reply information returned from the printer and sending the detected reply information to said job processing state monitor function.

23. (rejected) A printer system including a host computer and a printer comprising:  
a first controller contained in the host computer, wherein the first controller generates print job data comprising print data and reply information located in the print job data at a predetermined position with respect to the print data, and transmits the print job data to the printer;

a second controller contained in the printer, wherein the second controller receives the print job data from the host computer, detects the reply information from the print job data, returns a part of the print data, which indicates a process state of the print job data based on the reply information to a predetermined destination included in the intrinsic data of said reply information, and controls printing based on the print data contained in the print job data; and



a monitoring processor, which is external to the printer, receives the reply information returned from the printer, and monitors a processing state of the print data based on the reply information returned from the printer.

24. (rejected) A recording medium containing a program to instruct a processor within a printer to perform a routine, comprising:

receiving print job data containing reply information and print data;  
interpreting the print data, detecting the reply information from the print job data, and returning a part of the print job data, which indicates a process state of the print data based on the reply information to a predetermined destination external to the printer, wherein said predetermined destination is included in intrinsic data of said reply information, and printing based on interpretation of said print data.

25. (rejected) The printer system as claimed in claim 1, wherein the print data processing means automatically returns the reply information to the predetermined destination and wherein said return of the reply information is not in response to any external command.

26. (rejected) The printer system as claimed in claim 1, wherein the printer system in utilized in a network environment.

27. (rejected) The printer system as claimed in claim 26, wherein the network environment includes a plurality of host computers that output information to the printer.

28. (rejected) The printer as claimed in claim 11, wherein the printer is utilized in a network environment.

29. (rejected) The printer as claimed in claim 28, wherein the network environment includes a plurality of host computers that output information to the printer.

30. (rejected) The print system as claimed in of claim 7, further including reply information detection means for detecting the reply information returned from said print data processing means and sending the detected reply information to said job processing state monitor means.

31.( rejected) The printer as claimed in claim 17, wherein said reception means, said print job data processing means and said print control means can operate in parallel.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
U.S. Application No.: 09/289,601

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**EVIDENCE APPENDIX:**

NONE

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
U.S. Application No.: 09/289,601

Attorney Docket No.: Q53957

**RELATED PROCEEDINGS APPENDIX**

NONE